HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G. V.SEETHAPATHY

WRIT PETITION No. 13937 OF 2006

Between:

Madana Polyreddy

……Petitioner

And

The District Collector, Guntur District
and two others

……Respondents

:: ORDER ::

Counsel for the Petitioner : Shri N.Sreeramamurthy

Counsel for the Respondents : Government Pleader for Panchayat Raj

Dated: 02-08-2006

Per G.S. SINGHVI, CJ

In this petition, the petitioner has made the following substantive prayers:

> "It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or Orders, Direction or Directions declaring the inaction of the 2nd and 3rd respondents in not disposing of the objections filed by the Petitioner for deletion of 83 names shown in Annexures – A, B and C from the revised electoral roll of Lingamguntapalem Gramapahchayat and also in not including the names of 39 persons shown in Annexure – D in the revised electoral roll of Lingamguntapalem Gramapanchayat as arbitrary, illegal and unconstitutional and to issue a consequential direction to the 2nd and 3rd respondents to consider and dispose of the objections filed by the petitioner seeking deletion of 83 names shown in Annexures – A, B, and C from the revised electoral roll of Lingamguntapalem Gramapanchayat and also the objections filed by the petitioner for not including the names of 39 persons shown in Annexure – D in the electoral roll of the Lingamguntapalem Gramapanchayat and pass such other Order or Orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Since no one has appeared for the petitioner, the writ petition is dismissed in default.

As a sequel to dismissal of the writ petition, W.P.M.P No. 17356 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY,J

02-08-2006
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Before the aforementioned order could be signed, Shri N.Sreeramamurthy appeared and made a request that the writ petition may not be treated as dismissed in default and he may be heard in support of the prayer made by his client. Though unusual, we accept the request of the learned counsel.

However, after hearing Sri Sreeramamurthy and perusing the record, we are convinced that relief in terms of the prayer made by the petitioner, namely deletion of the names of 83 persons named in Annexures – A, B and C cannot be accepted because none of the persons whose names are sought to be deleted from the electoral roll of Village Lingamguntapalem has been impleaded as party to the writ petition and without hearing them, no order can be passed prejudicially affecting their right to exercise franchise in the forthcoming elections.

The petitioner's prayer for inclusion of the names of 39 persons shown in Annexure – D is also liable to be rejected because none of them is shown to have filed application or lodged claim for inclusion of names in the voters list in accordance with proviso to Section 11 of the Andhra Pradesh Panchayat Raj Act, 1994 read with Rule 6 of the Andhra Pradesh Panchayat Raj (Preparation and Publication of Electoral Rolls) Rules, 2000.

For the reasons stated above, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P No. 17356 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY,J

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